



**Series:** HR- Resources Practices      **COA:** HR 5.01,  
RPM 2  
**CFOP:** NA

**Procedure Name:** Americans With Disabilities  
**Procedure Number:** HR- 2202  
**Revision #/Date:** (2) 03/07  
**Effective Date:** 9/04

**Applicable to:** All CBCB Staff, applicants, Direct Service  
Independent Contractors and Volunteers, Interns  
and Temporary Employees

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**SUBJECT:** Americans With Disabilities Act of 1990

**PURPOSE:** To ensure a workplace that is free from discrimination against individuals with disabilities who, with or without reasonable accommodation, are qualified for open positions and/or all other opportunities available to all employees including promotional, training, benefits, etc. To ensure that qualified applicants, Independent Contractors and Volunteers, interns and temporary employees with disabilities have access to our facilities and application process with or without reasonable accommodation. To comply with Section 504 of the Rehabilitative Act of 1973 and the Americans with Disabilities Act of 1990 as may be amended.

**PROCEDURE:**

**References**

CBCB Policies/Procedures: HR2805

**Overview**

Community Based Care of Brevard complies with all federal, state, regulatory and statues impacting applicants, clients and employees. The Agency is committed to ensuring compliance with this law. To that end, ADA training is included in Supervisory Training, employees are trained in regulations under this law and this procedure is provided to all staff members.

1. CBC of Brevard prohibits any and all discrimination against a qualified individual with a disability. This includes, but is not limited to, discrimination with respect to hiring, assignment, transfer, promotion, discharge, compensation, benefits, training, and all other terms and conditions of employment.

Terms used in this section have the following general meanings:

- (a) Disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual;

- (b) A disabled individual is a person who has such an impairment, has a record of such impairment, or is regarded as having such an impairment;
- (c) A qualified person with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or has applied for.

2. CBC of Brevard also prohibits any discrimination against an employee because the employee has a family member with a disability. CBC of Brevard seeks reasonable accommodations for qualified individuals with disabilities that do not result in undue hardship on its business operations. Examples of some of the factors to be considered in determining whether a proposed accommodation creates an undue hardship are:

- The nature and cost of the accommodation;
- The overall financial resources of the facility and the Agency at which the reasonable accommodation is necessary;
- The number of persons employed at that facility;
- The overall financial resources of CBC of Brevard. Other factors also can have bearing on whether an accommodation would create an undue hardship.

3. The Chief Executive Officer, the Chief Operations Officer, the Chief Financial Officer, the Chief Personnel & Administrative Officer and the Chief Compliance and Utilization Officer will make the determination of whether an accommodation creates an undue hardship.

4. Every CBC of Brevard job description is determined by its essential job functions which are listed on the document. Each year, the Chief Personnel & Administrative Officer and the Division Directors review job descriptions to ensure that essential functions of a position are kept up-to-date and accessible.

5. All employees shall comply with safety rules at all times. CBC of Brevard makes every effort to place applicants and employees in positions for which they are qualified. However, employees and job applicants are not placed in positions where, with or without a reasonable accommodation, they would create a direct threat to the safety or health of themselves or others. The determination that an individual poses a direct safety or health threat must be confirmed by an opinion in writing from a physician or other appropriate professional.

6. Any applicant or employee who believes that there has been a violation of CBC of Brevard's procedure or any applicable law relating to Section 504 of the Rehabilitative Act of 1973 and/or the Americans with Disabilities Act of 1990 should immediately contact the Chief Personnel & Administrative Officer who serves as the EEO Officer for the company. Your report may be made orally or in writing utilizing the Employee Grievance Process identified in [HR2805](#). A prompt, confidential (to the extent practicable) and impartial investigation of the alleged discriminatory conduct will be undertaken. If the Company finds that inappropriate conduct occurred, prompt, corrective action will be taken against all responsible individuals. This will be done at the sole discretion of the Company, including discipline up to and including termination.

7. No employee shall be retaliated against, harassed, intimidated, threatened, coerced or discriminated against for making a charge, testifying, assisting or participating in any manner in an investigation, proceeding or hearing for opposing alleged unlawful discriminatory practices prohibited by state and federal laws.

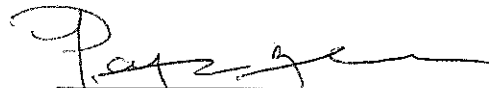
**Community Based Care of Brevard, Inc. Policy and Procedure Manual**

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8. Additionally, any person who believes that he or she has been discriminated or retaliated against in violation of Section 504 of the Rehabilitative Act of 1973 and/or the Americans with Disabilities Act of 1990 may file a complaint with the Florida Commission on Human Rights (FCHR) or with the Department of Children & Families, Office of Civil Rights, 1317 Winewood Blvd., Tallahassee, FL 32399-0700 within 365 days of the alleged violation.

Complaints can also be filed with the United States Equal Employment Opportunity Commission (EEOC) at 2 South Biscayne Blvd, One Biscayne tower, Suit 2700, Miami FL 33131 or by calling (305) 536-4491 within 300 days of the alleged violation.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



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DR. PATRICIA NELLIUS-GUTHRIE  
Chief Executive Officer  
CBC of Brevard, Inc.

APPROVAL DATE: 3/1/09